

Applicants: Michael Hale et al.
Application No.: 10/688,613

REMARKS

The Claim Amendments

Applicants have amended claims 1, 6 and 9. Support for the amendment to claim 1 may be found on page 10, lines 5-11. Support for the amendment to claims 6 and 9 may be found in Table 1 (pages 12-26) and Table 2 (pages 27-28), respectively. None of these amendments adds new matter. Their entry is requested.

The Response

The Double Patenting Rejection

The Examiner states that claims 1-24 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-21 of each of United States Patents 6,699,865, 6,593,357 and 6,528,509. The Examiner contends that although the conflicting claims are not identical, they are not patentably distinct from each other because they overlap each other and cross embrace some of the same compounds.

Applicants have filed herewith a terminal disclaimer of the instant application over each of the three United States Patents, thus obviating this rejection.

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Conclusion

Applicants request that the Examiner enter the above amendments, consider the accompanying arguments, and allow the claims to pass to issue. Should the Examiner deem expedient a telephone discussion to further the prosecution of the above application, applicants request that the Examiner contact the undersigned at his convenience.

Respectfully submitted,

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